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October 10, 2023

The Honorable Douglas L. Micko
Magistrate Judge, District of Minnesota
United States District Court
316 North Robert Street
St. Paul, MN 55101

Re: Karen Wells and Andre Locke v. Mark Hanneman; City of Minneapolis
Court File No.: 23-cv-0273 (WMW/DLM)

Dear Judge Micko:

My name is Matt Mason, and I am counsel for the Office of the Minnesota Attorney General (the “Office”), the Minnesota Department of Public Safety, and the Minnesota Bureau of Criminal Apprehension (collectively, the “Responding Parties”). Responding Parties write to seek clarity with respect to the scope of this Court’s Order granting Defendants’ Motion to Stay Discovery entered on October 3, 2023. (Dkt. 58.)

On or about September 5, 2023, Plaintiffs served the Office with a Third-Party Subpoena. In reviewing the docket, Responding Parties noticed Defendants’ Motion to Stay Discovery, which sought to stay all discovery in this case until the resolution of a motion for judgment on the pleadings. (Dkts. 53–55.) There were no carveouts for third-party subpoenas. (Dkts. 54–55.) Responding Parties have received assurances from counsel for both parties that the Motion to Stay Discovery did not apply to third-party discovery. Plaintiffs submitted a letter to the Court to this effect on September 18, 2023. (Dkt. 57.) The Order, however, appears to apply to all discovery, does not reference Plaintiffs’ letter, and does not carve out third-party discovery from its scope.

Responding Parties provided Plaintiffs with their written responses and objections to the Subpoena on October 3, 2023, and are in the process of preparing responsive documents for production. But Responding Parties desire to avoid inadvertently violating the Order. To that end, Responding Parties seek guidance from the Court as to whether the planned production of documents in response to Plaintiffs’ Subpoena would violate the Order.

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Sincerely,

s/ Matt Mason
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